IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20989 of 2004

Between:

1 Bhavana Udaya Bhaskara Rao, S/o. Rama Chandra Rao,
Mudunuru, Pentapadu Mandal, West Godavari District.
2 Bhavana Narasimha Murthy, S/o. Rama Chandra Rao,
Mudunuru, Pentapadu Mandal, West Godavari District.
3 Bhavana Gopala Krishna, S/o. Rama Chandra Rao,
Mudunuru, Pentapadu Mandal, West Godavari District.

... PETITIONERS

AND

Tadepalligudem Municipality, rep by its Commissioner, Tadepalligudem,
West Godavari District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus declaring the action of the respondent in putting the marks on the wall of my petrol bunk and taking steps to demolish the same in S.No. 38/2, situated in Tallamudunurupadu, Tadepallgudem Municipality, West Godavari District. without following the procedure laid down in Municipality Act

or any other Act, is arbitrary and violative of principles of natural justice and also violative of provisions of Municipality Act.

Counsel for the Petitioner: MR.S.SUBBA REDDY
Counsel for the Respondent: MR.DANTU.SRINIVAS

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for petitioners. None appears for the respondent inspite of service of notice on the learned Standing Counsel.

2. This writ petition is filed in apprehension that the respondent will demolish part of the property likely to be affected by road widening, for which the respondent authority also gave mark outs.

3. It is well settled by a catena of decisions of this Court that the property of the citizens for widening of the roads can only be acquired by following the due procedure as contemplated either under the Land Acquisition Act, 1894 or under A.P. Municipalities Act.

4. In view of the same, it is needless to observe the respondent will follow due procedure before taking the property of the petitioners for the purpose of widening of the road as contemplated either under the provisions of Land Acquisition Act or A.P. Municipalities Act. Till then, the respondent shall not demolish the premises of the petitioners.

The writ petition is accordingly disposed of.

A. GOPAL REDDY, J

November 17, 2004

N.B. *Copy by wire at partys' costs*.

(B/o)

MRR

To:

1. Commissioner, Tadepalligudem Municipality, Tadepalligudem, West Godavari District.

2. Two C.D. Copies.